

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 14-0750.01 Kristen Forrestal x4217

SENATE BILL 14-137

SENATE SPONSORSHIP

Jahn,

HOUSE SPONSORSHIP

McNulty,

Senate Committees
Business, Labor, & Technology

House Committees

A BILL FOR AN ACT

101 **CONCERNING CERTIFICATION OF WORKERS' COMPENSATION**
102 **INSURANCE FORMS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/bills summaries>.)

Current law prohibits workers' compensation carriers from writing any policy of insurance or any endorsement, rider, letter, or other document affecting an insurance contract on a form that has not been previously filed with and approved by the commissioner of insurance. The bill allows the forms to be used without prior approval and to be

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
Amended 2nd Reading
February 17, 2014

certified on an annual basis after submission by the workers' compensation carriers.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 8-44-102 as
3 follows:

4 **8-44-102. Contract for insurance subject to workers'**
5 **compensation act.** (1) Every contract for the insurance of compensation
6 and benefits as provided in articles 40 to 47 of this title or against liability
7 therefor ~~shall be made~~ IS subject to ~~all the provisions of said articles 40~~
8 ~~TO 47, and all provisions in such~~ THE contract for insurance inconsistent
9 with ~~the provisions of said~~ THOSE articles ~~shall be~~ ARE void. Any contract
10 of insurance issued under ~~said~~ articles 40 TO 47 by any insurance carrier,
11 including stock and mutual corporations and Pinnacol Assurance, may
12 include and cover any liability of the employer on account of personal
13 injuries sustained by or death resulting therefrom to any employee. as
14 such. ~~No insurance carrier shall write any policy of insurance covering~~
15 ~~the liability under said articles of any employer doing business within the~~
16 ~~state of Colorado except on a form that has been previously filed with and~~
17 ~~approved by the commissioner of insurance, nor shall there be attached~~
18 ~~to said policy or contract of insurance any endorsement, rider, letter, or~~
19 ~~other document affecting such contract unless the same has been filed~~
20 ~~with and the form thereof approved by the commissioner of insurance.~~
21 ~~The commissioner of insurance shall from time to time approve and~~
22 ~~prescribe a standard or universal form, as nearly as possible, for every~~
23 ~~contract or policy of insurance, endorsement, rider, letter, or other~~
24 ~~document affecting such contract for use in insuring the compensation~~
25 ~~provided for in said articles.~~

1 (2) (a) EVERY CARRIER PROVIDING WORKERS' COMPENSATION
2 INSURANCE THAT IS AUTHORIZED TO CONDUCT BUSINESS IN COLORADO
3 SHALL SUBMIT AN ANNUAL REPORT TO THE COMMISSIONER OF INSURANCE
4 LISTING ANY POLICY FORMS, ENDORSEMENTS, RIDERS, LETTERS, NOTICES,
5 OR OTHER DOCUMENTS AFFECTING AN INSURANCE POLICY OR CONTRACT
6 ISSUED OR DELIVERED TO ANY POLICYHOLDER IN COLORADO AS MAY BE
7 REQUESTED BY THE COMMISSIONER. THE LISTING MUST BE SUBMITTED NO
8 LATER THAN JULY 1 OF EACH YEAR AND MUST CONTAIN A CERTIFICATION
9 BY AN OFFICER OF THE CARRIER THAT, TO THE BEST OF THE OFFICER'S
10 KNOWLEDGE, EACH POLICY FORM, ENDORSEMENT, RIDER, LETTER, NOTICE,
11 OR OTHER DOCUMENT AFFECTING AN INSURANCE POLICY OR CONTRACT IN
12 USE COMPLIES WITH COLORADO LAW. THE COMMISSIONER SHALL
13 DETERMINE THE NECESSARY ELEMENTS OF THE CERTIFICATION.

14 (b) (I) EVERY CARRIER PROVIDING WORKERS' COMPENSATION
15 INSURANCE THAT IS AUTHORIZED TO CONDUCT BUSINESS IN COLORADO
16 SHALL ALSO SUBMIT TO THE COMMISSIONER A LIST OF ANY NEW POLICY
17 FORMS, ENDORSEMENTS, RIDERS, LETTERS, NOTICES, OR OTHER
18 DOCUMENTS AS MAY BE REQUESTED BY THE COMMISSIONER AT LEAST
19 THIRTY-ONE DAYS BEFORE USING THE POLICY FORMS, ENDORSEMENTS,
20 RIDERS, LETTERS, NOTICES, OR OTHER DOCUMENTS.

21 (II) THE LISTING MUST ALSO CONTAIN A CERTIFICATION BY AN
22 OFFICER OF THE CARRIER THAT, TO THE BEST OF THE OFFICER'S
23 KNOWLEDGE, EACH NEW POLICY FORM, ENDORSEMENT, RIDER, LETTER,
24 NOTICE, OR OTHER DOCUMENT PROPOSED TO BE USED COMPLIES WITH
25 COLORADO LAW. THE COMMISSIONER SHALL DETERMINE THE NECESSARY
26 ELEMENTS OF THE CERTIFICATION.

27 (c) THE COMMISSIONER MAY EXAMINE AND INVESTIGATE

1 WORKERS' COMPENSATION CARRIERS AUTHORIZED TO CONDUCT BUSINESS
2 IN COLORADO TO DETERMINE WHETHER WORKERS' COMPENSATION POLICY
3 FORMS, ENDORSEMENTS, RIDERS, LETTERS, NOTICES, OR OTHER FORMS AS
4 MAY BE REQUESTED BY THE COMMISSIONER COMPLY WITH THE
5 CERTIFICATION OF THE CARRIER AND STATUTORY MANDATES.

6 **SECTION 2.** In Colorado Revised Statutes, 10-3-1104, add
7 (1) (rr) as follows:

8 **10-3-1104. Unfair methods of competition - unfair or**
9 **deceptive acts or practices - repeal.** (1) The following are defined as
10 unfair methods of competition and unfair or deceptive acts or practices
11 in the business of insurance:

12 (rr) CERTIFYING PURSUANT TO SECTION 8-44-102, C.R.S., OR
13 ISSUING, SOLICITING, OR USING A WORKERS' COMPENSATION FORM,
14 ENDORSEMENT, RIDER, LETTER, OR NOTICE THAT DOES NOT COMPLY WITH
15 STATUTORY MANDATES. THE SOLICITATION OR CERTIFICATION IS SUBJECT
16 TO THE SANCTIONS DESCRIBED IN SECTIONS 10-3-1107, 10-3-1108, AND
17 10-3-1109.

18 **SECTION 3.** In Colorado Revised Statutes, add 10-4-419.5 as
19 follows:

20 **10-4-419.5. Workers' compensation form certification.** AN
21 INSURANCE CARRIER WRITING WORKERS' COMPENSATION INSURANCE IN
22 THIS STATE SHALL COMPLY WITH SECTION 8-44-102, C.R.S.

23 **SECTION 4.** **Act subject to petition - effective date.** This act
24 takes effect at 12:01 a.m. on the day following the expiration of the
25 ninety-day period after final adjournment of the general assembly (August
26 6, 2014, if adjournment sine die is on May 7, 2014); except that, if a
27 referendum petition is filed pursuant to section 1 (3) of article V of the

1 state constitution against this act or an item, section, or part of this act
2 within such period, then the act, item, section, or part will not take effect
3 unless approved by the people at the general election to be held in
4 November 2014 and, in such case, will take effect on the date of the
5 official declaration of the vote thereon by the governor.